



## RESOLUTION ON APOSTASY AND FREEDOM OF EXPRESSION

Under the charge of apostasy, *ridda* in Arabic language, many writers have been subjected to arbitrary arrest and detention, enforced disappearance, kidnapping, torture, extra-judicial killings, harassment and threats. These violations are conducted both by non-secular governments and extremist non-state actors. Apostasy in Islam applies when a Muslim, by birth or conversion, seek to embrace another religion or to become an atheist. This accusation also applies to those who criticize Islam, don't respect the Five Pillars of the Islamic faith, or provide a reformist interpretation of Islam through their writings and speeches.

In most religious states, such as Saudi Arabia and Iran, those convicted of apostasy face the death penalty according to the relevant penal codes,<sup>1</sup> while in many other Muslim states "apostates" are denied their political and civil rights until they return to Islam<sup>2</sup>. In such states, domestic legislation often doesn't expressly deal with the abandonment of Islam in their penal codes. However those considered as apostates face detention on a range of charges such as "insulting religion", "threatening national security", "disturbing the public peace", or "spreading sectarian trouble"<sup>3</sup>. Extremists have also carried out many killings and threats in response to alleged "apostasy".

The following examples show how apostasy cases have affected the right to freedom of expression, and led to strict sanctions and violations; including the death sentence, killings, torture and arbitrary detention:

- Iranian writer Hesameddin Farzizadeh faces a death sentence for apostasy, as well as seven years' imprisonment and 74 lashes, following a criminal court ruling in May 2015 for his book entitled *From Islam to Islam*. In the book, Farzizadeh examines the history of Islam, and raises questions about Shi'a Islam and the existence of the Twelfth Imam, a messianic figure in Shi'a ideology who is supposed to reappear in the future as the saviour of humanity. The charge of apostasy carries the death sentence, while the additional sentences of imprisonment and lashing are related to the content of the book<sup>4</sup>.
- Palestinian poet Ashraf Fayadh was arrested on 1 January 2014 in Saudi Arabia. He was accused, among other charges, of apostasy due to the atheist content of his work. Fayadh was sentenced to four years in prison and 800 lashes, which was converted to a death sentence following a retrial, then later reduced to an eight-year prison sentence. Evidence compiled against Fayadh included at least 10 pages from his collection of poetry *Instructions Within*, published by the Beirut-based Dar al-Farabi in 2008 and later banned from distribution in Saudi Arabia. According to court documents, on 30 April 2014, the General Court of Abha found proof of Fayadh having

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<sup>1</sup>See below cases from these two states.

<sup>2</sup>For example, Article 171a of the 2010 Jordanian Personal Status Law clearly states that the custodian not be an apostate.

<sup>3</sup> For more information, see Nael Georges, *Governing Diversity in the Personal Status Domain in the Arab Mashreq States*, *Arab Reform Initiative*, 5 June 2016, pp. 6-7, available on : <https://www.arab-reform.net/en/node/508>

<sup>4</sup>See PEN International's 2016 Case list, January-December 2016, pp. 193-194, available here: <https://pen-international.org/app/uploads/archive/CASE-LIST-2016-Final.pdf>

committed apostasy and his repentance for it. The court therefore ruled to lift the penalty for apostasy, but sentenced him to four years in prison and 800 lashes – to be administered 50 at a time every 10 days – for storing images on his mobile telephone. On 17 June 2015, the General Court of Abha sentenced Fayadh to death for the crime of being an infidel (kufr), following a re-trial. The court argued that Fayadh’s repentance for the crime of apostasy was a matter of the heart and should have no bearing in determining whether or not the crime had been committed<sup>5</sup>.

- Syrian poet Mohammad Bashir al-Aani and his son Elyas were executed in March 2016 in Deir al-Zour city in Syria by the armed group calling itself Islamic State (IS). They have been accused of apostasy. Mohammad Bashir al-Aani, who was known for his opposition to the regime of President Bashar al-Assad, had published three volumes of poetry and was admired for his lyrical style<sup>6</sup>.
- Mauritania blogger Mohamed Cheikh Ould Mohamed was sentenced to death in December 2014 on apostasy-related charges after he published an article titled “Religion, religiosity, and craftsman”, in which he criticized the Mauritanian caste system. The court ruled that the article was blasphemous to the Prophet Muhammad, despite the blogger repenting in court and saying he did not intend to insult the prophet. Based on Mohamed’s repentance, an appeals court in the city of Nouadhibou on November 9, 2017, reduced Mohamed’s death sentence to two years in prison and ordered him to pay a fine of 60,000 Mauritanian ouguiya (\$172). Having spent more than three years in prison, Mohamed was scheduled to be released, yet he remains in custody, according to a November 16 press statement from the former Justice Minister Ibrahim Ould Daddah.

**The Assembly of PEN International calls on states that still impose restrictions and sanctions under the charge of “apostasy”, or any other charges related to the right to change religion or to express religious thoughts, to:**

- Respect the right to freedom of expression which includes the right “to hold opinions without interference” as stated in Article 19 of the Universal Declaration of Human Rights and Article 19 of the Covenant on Civil and Political Rights, as well as the right to freedom of religion which includes “freedom to change his religion or belief” as stated in Article 18 of the same declaration and “to adopt a religion or belief of his choice” as stated in Article 18 of the Covenant on Civil and Political Rights;
- To repeal all legal provisions criminalising or imposing any sanctions on apostasy;
- To drop all existing charges of ‘apostasy’ or any other related charges brought against writers, secular bloggers, atheists, Islamic scholars and persons belonging to religious minorities, and to ensure their immediate release;
- To take all necessary measures to allow writers to express their religious thoughts without fear of reprisals, and to protect the life and the safety of those accused of apostasy, and take effective steps to investigate and prosecute those responsible for harassment, threats or attacks based on allegations of apostasy.

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<sup>5</sup> See PEN International’s 2016 Case list, *op. cit.*, pp. 212-213.

<sup>6</sup> For more information, see PEN International’s statement, 14 March 2016, available on: <http://pen-international.org/news/syria-pen-condemns-murder-of-syrian-poet-and-son-for-apostasy>